



Different Viewpoints on Medical Cannabis

Posted by **Pierluigi Oliverio** on Monday, April 05, 2010

Last week, the Council finally discussed my memo and voted to have staff come back with a draft ordinance for final review regarding medical cannabis. Currently, 14 states have legalized cannabis for medical purposes and 14 other states are considering legislation now. I attached a memo from the US attorney general saying that the federal government will recognize state laws regarding legalization of medical cannabis and additionally, I provided an 11-page document from State Attorney General Jerry Brown that provides guidelines to municipalities on implementing ordinances that regulate medical cannabis collectives/cooperatives.

Even if San Jose chose not to adopt an ordinance, people have the legal right to cultivate and form marijuana collectives for medical purposes under Prop 215 today.

Since my memo was heard at the Rules Committee meeting last October, I have spoken with many San Jose residents. Their comments have commonalities that could be broken into four different areas.

One viewpoint from a handful of residents is that cannabis is a terrible drug that ruins people's lives, and all efforts should be into keeping it illegal even for those that have painful afflictions like AIDS, cancer and MS. Some felt that under no circumstances should anyone use cannabis to numb the pain since we have prescription drugs for that. Their views are strong and are often not open to discussion, as in the case of a gentleman who held this view who hung up when I called him after receiving his email.

I understand that people may have experienced a friend or family member that abused illegal drugs or they are morally opposed to their use; however they do not seem to have a problem with alcohol or tobacco since they are legal. These folks also did not find a problem with prescription drugs. In the cases of alcohol, tobacco and prescription drugs we know that some people abuse them and this abuse comes at great cost to themselves, family and law enforcement.

Others called with personal stories of family or friends who had died of a painful disease years ago. They were told by a doctor at that time to get some marijuana and so they went out and purchased marijuana from a drug dealer for their ill family member. One 80-year-old resident told me that his family bought marijuana for his brother 25 years ago. He said the last 10 months of his brother's life was good because of cannabis and his brother only went to the hospital just a few hours before he finally died of cancer.

Another group of residents were supportive of medical cannabis or indifferent but they did not want to see these facilities adjacent to residential areas and felt that there should be some regulation in addition to zoning. My direction in my memo was to place the dispensaries in industrial areas which are away from residential neighborhoods, but Council gave planning staff some leeway for the June ordinance that might include medical offices or areas zoned commercial, but definitely away from adjacent residential. Alcohol is distributed in nearly 1,300 places in San Jose and over time seem to just blend in with the rest of our commercial business.

As far as regulation, one that I am keen on is open book accounting of these collectives that allows for financial audits as needed.

Others were in favor of legalization of cannabis for any purpose. They felt that our country had tried prohibition of alcohol from 1920-1933 and was unsuccessful. The only thing prohibition did from their view was to make organized crime wealthy and create health issues with moonshine. They had strong feelings that people will do as they wish and the wars on drugs has been unsuccessful which has only filled the pockets of organized crime. Therefore, they wanted legalization and taxation like alcohol.

They felt prison cells should be reserved for the those committing violent crimes and not possession of marijuana. A mother told me about her 20-year-old son in college, and said that it is easier for him to get marijuana then it is alcohol, since alcohol is regulated.

Which ever viewpoint, issues like this stir up interest in local government. Which viewpoint do you hold?

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